

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-11-01)**  
**CARRIAGE FUNERAL HOLDINGS, INC.**  
**JUNE 21, 2011**

A report to the Flathead County Board of Adjustment regarding a request by Carriage Funeral Holdings, Inc. for a conditional use permit to allow for the construction of a cemetery reception hall building with office space and a crematorium at Glacier Memorial Gardens, an existing cemetery complex located north of Kalispell off of US Highway 93 North.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on July 5, 2011 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposed land use is not within the advisory jurisdiction of a specific local land use advisory committee.

**B. Board of Adjustment**

The Flathead County Board of Adjustment will hold a public hearing on the proposed land use on July 5, 2011 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. This space is reserved for a summary of the Flathead County Board of Adjustment's discussion and decision following that hearing.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant & Landowner**

Carriage Funeral Holdings, Inc.  
3040 Post Oak Blvd., Suite #300  
Houston, TX 77056

**ii. Technical Assistance/Representative**

Anthony Gloschat  
525 Main Street  
Kalispell, MT 59901  
[Anthony.gloschat@carriageservices.com](mailto:Anthony.gloschat@carriageservices.com)

**B. Property Location and Size**

The property sits just north of the Stillwater River and the intersection of US Highway 93 North and West Reserve Drive (see Figure 1 below). The property's physical address is 2659 US Highway 93 North, and can be legally described as Tracts 4B, 4BB, 4E, 4EA, 4G and 4GA in Lot 3 of Section 30, Township 29 North,

Range 21 West, P.M.M., Flathead County, Montana. Combined, the property is roughly 35 acres in size.

**Figure 1:** Subject property outlined in red.



**C. Existing Land Use(s) and Zoning**

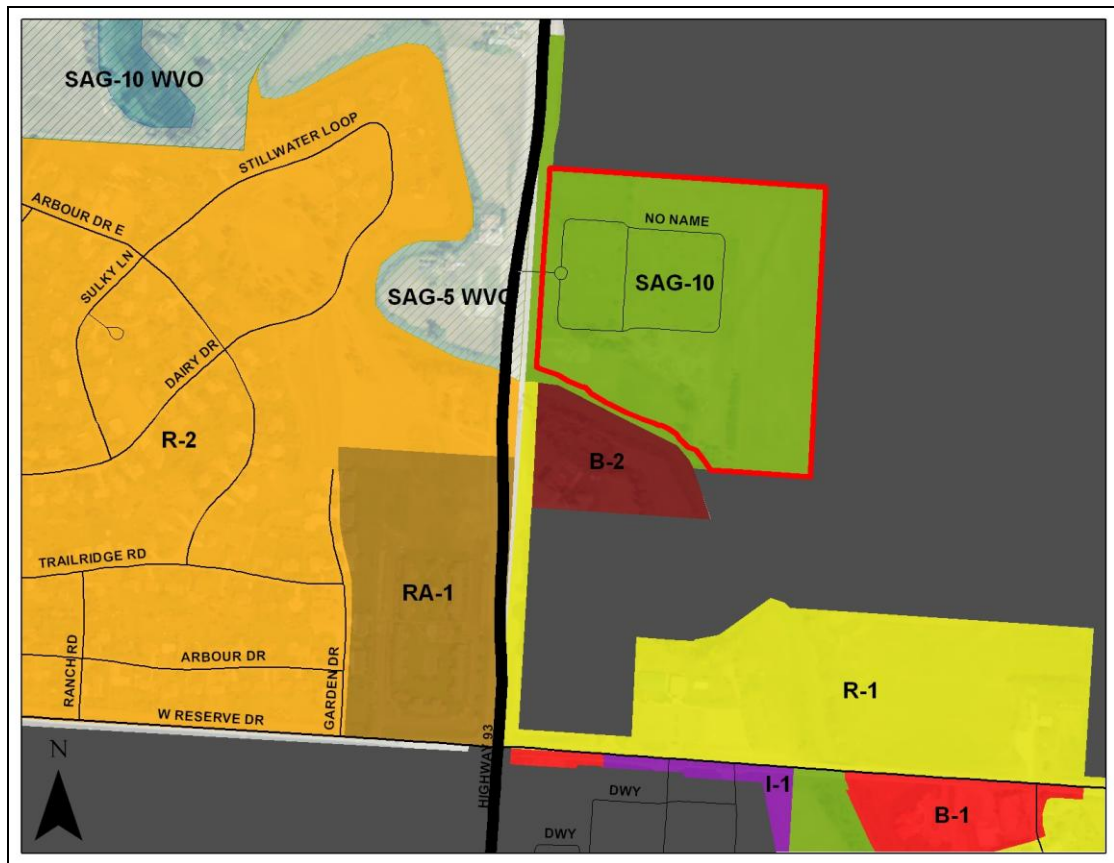
The property is currently developed as a cemetery - Glacier Memorial Gardens - and is located within the Evergreen zoning district. The property is zoned “SAG-10 Suburban Agricultural”, a classification intended to *“provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.”*

**D. Adjacent Land Use(s) and Zoning**

The general area surrounding the subject property is a mix of residential, commercial and agricultural zoning. Land to the immediate north, south and east of the subject property is located within the City of Kalispell’s jurisdiction as part of a “B-2 Planned Unit Development (PUD)”. Although this area was originally intended to be developed as a retail commercial hub, the property remains vacant and future land use plans are unclear. A small portion of “B-2 General Business” zoning within the County’s jurisdiction is located immediately south of the subject property and across the Stillwater River; this land is currently utilized for residential purposes, as there is

a single-family residence located on the property at this time. Across US Highway 93 North there is “SAG-5 – Suburban Agricultural WVO (West Valley Overlay)” as well as “R-2 One Family Limited Residential” zoning in place; land within both of these classifications is currently utilized for residential development. South and west of the property there is an existing apartment complex zoned “RA-1 Two Family Residential”, offering slightly higher residential development density within the immediate area.

**Figure 2:** Zoning surrounding the subject property (outlined in red).



#### **E. Summary of Request**

The applicant has requested a conditional use permit to allow the construction of an office/reception hall and crematorium complex on the subject property. The property is currently utilized as a cemetery by the name of Glacier Memorial Gardens, and has a small office building and some ancillary shed structures that will remain on the property following construction of the new building complex. Cemeteries, mausoleums, columbariums and crematoriums are listed as conditional uses requiring additional review under Section 3.07.030(7) of the Flathead County Zoning Regulations. The existing cemetery predates the creation of the Evergreen zoning district (July 17, 1990), and is considered a grandfathered use under the applicable regulations. Expansion of a grandfathered use requires a conditional use permit as well; therefore the application submitted would address the conditional use permit requirement for both the new use as well as the expansion of the existing cemetery onsite.

#### **F. Compliance With Public Notice Requirements**

Notification was mailed to property owners within 150 feet of the subject property on June 14, 2011, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the June 19, 2011 edition of the Daily Interlake.

#### **G. Agency Referrals**

Referrals were sent to the following agencies on May 25, 2011:

- Flathead City-County Health Department (FCCHD)
  - Reason: The proposed use will be served by a new septic drain field and existing water well located on the subject property.
- West Valley Rural Fire District
  - Reason: The property is located within the department's jurisdiction.
- Montana Department of Transportation (MDT)
  - Reason: The property has direct access onto U.S. Highway 93 North.
- City of Kalispell Planning Department
  - Reason: The proposal is adjacent to land within the City of Kalispell's jurisdiction, and is also adjacent to public utilities located within the US Highway 93 North right-of-way.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

No written public comments have been received to date regarding the proposed office/reception hall and crematorium complex. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for July 5<sup>th</sup>, 2011. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

#### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Glen Gray, Flathead County Sanitarian, FCCHD
  - Has discussed the building plans with the representatives of the facility; onsite water and septic are planned.
  - Final determination of the location of the City of Kalispell sewer main along US Highway 93 has not yet been made; the location of the sewer main relative to the subject parcel may determine if a septic system could be permitted onsite, or whether connection to City sewer would be required.

### **IV. CRITERIA REQUIRED FOR CONSIDERATION**

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

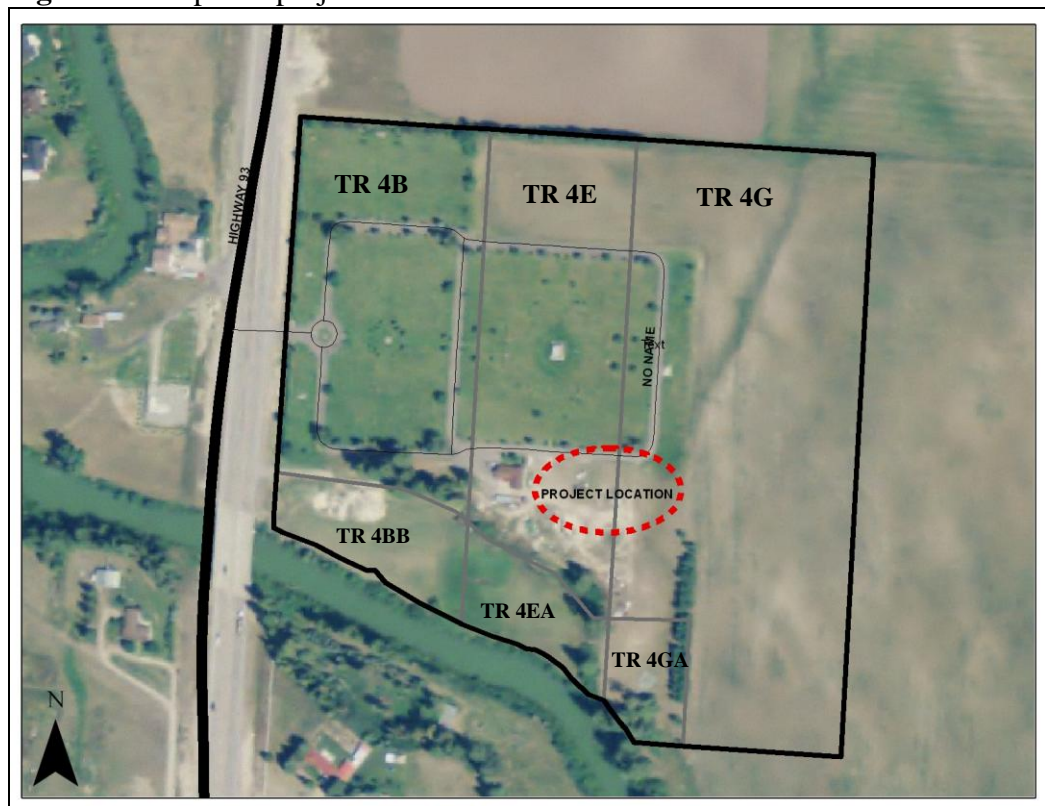


## A. Site Suitability

### i. Adequate usable space

As previously stated, when all six tracts of land are combined the subject property is approximately 35 acres in size. The project area would encompass roughly 1 acre, with a proposed building footprint of 6,000 sq. ft and the remaining area devoted to parking and circulation. The project area is located in the south-central portion of the property, as shown in Figure 3 below. Of the remaining 34 acres, approximately 20 are currently developed as a cemetery with an additional 14 set aside for future expansion. An existing office building, storage shed(s) and associated parking will remain onsite, to be utilized in conjunction with the new office/reception hall and crematorium.

**Figure 3:** Proposed project location.



As can be seen in Figure 3 above, the proposed project location spans two tracts of land – Tract 4E and 4G. The existing office building and shed appear to meet the setback requirements for principal and accessory structures located on Tract 4E. However, the proposed office/reception hall and crematorium would be constructed within the applicable setbacks on Tracts 4E and 4G. Because all six tracts are under the same ownership, this situation could easily be dealt with by aggregating the tracts in question to create one parcel; completing a boundary line adjustment between Tracts 4E and 4G to enable the structure to sit entirely on one tract or the other; or by utilizing Section 3.03.020(5) FCZR as it applies to the property. This provision of the zoning regulations allows the Flathead

County Zoning Administrator to formally determine which boundary lines the setback requirements will be assessed from when multiple adjacent parcels are involved in the same use and are retained under one ownership. Any one of these three options would enable the subject properties and proposed use to comply with the bulk and dimensional requirements of the SAG-10 district.

**Finding #1** – The subject property is suitable for the proposed use because it is currently utilized as a cemetery and the proposed structure would be a continuation of that use; because there is adequate useable space to accommodate the proposed office/reception hall, crematorium and associated parking; and because the applicant has the ability to alter to existing tracts through boundary line adjustment, lot aggregation or by obtaining a Zoning Administrator determination to ensure the proposed use and associated structures comply with the bulk and dimensional requirements of the district.

**ii. Adequate access**

The subject property has an existing, paved approach onto U.S. Highway 93 North. The current approach facilitates both right and left turns into and out of the property, directly onto the highway. The highway in this location is very straight with clear site distances and good visibility; although solicited, no comment was received from the Montana Department of Transportation indicating whether or not the existing approach would be able to accommodate the additional use(s) proposed on the subject property. The existing approach may require re-review by MDT to ensure the additional traffic to be generated by the proposed office/reception hall can be adequately accommodated by the existing approach onto US Highway 93.

**Finding #2** - The site appears to be suitable for the proposed use because the property has direct access onto U.S. Highway 93 via an existing, paved approach; the approach appears to have good site distances to allow traffic entering and exiting the property safe access; and because the existing approach may require re-review by MDT to ensure it can accommodate the additional traffic proposed safely and effectively.

**iii. Absence of environmental constraints**

The majority of the property remains undeveloped open space, with grass, small shrubs and trees dotting the cemetery's landscape. The Stillwater River serves as the south boundary of the property, and the topography of the land slopes gently toward the river in this area, with more mature stands of trees present on this portion of the property. Tracts 4BB, 4EA and 4GA are the parcels predominantly affected by this low-lying riparian area, with portions of each tract appearing to be within a designated flood hazard area. However, no development has occurred or is being proposed on this portion of the property. The cemetery, existing office building and proposed reception hall/crematorium are located on the slight bench sitting just above the Stillwater River, an area that is generally flat to slightly rolling and appears absent of any significant

environmental constraints or habitat (see Figures 4 and 5 below). A search of the property showed no hydrologic features or designated wetland, and none of the tracts are located within the Wildland Urban Interface (WUI).

**Figure 4:** View of proposed office/reception hall and crematorium site.



**Figure 5:** Existing office building and shed(s); proposed parking to the left.



**Finding #3** – The subject property appears suitable for the use proposed because the land to be developed is absent of environmental constraints such as steep topography, excess fuels, critical wildlife habitat, riparian areas, floodplain or designated wetland.

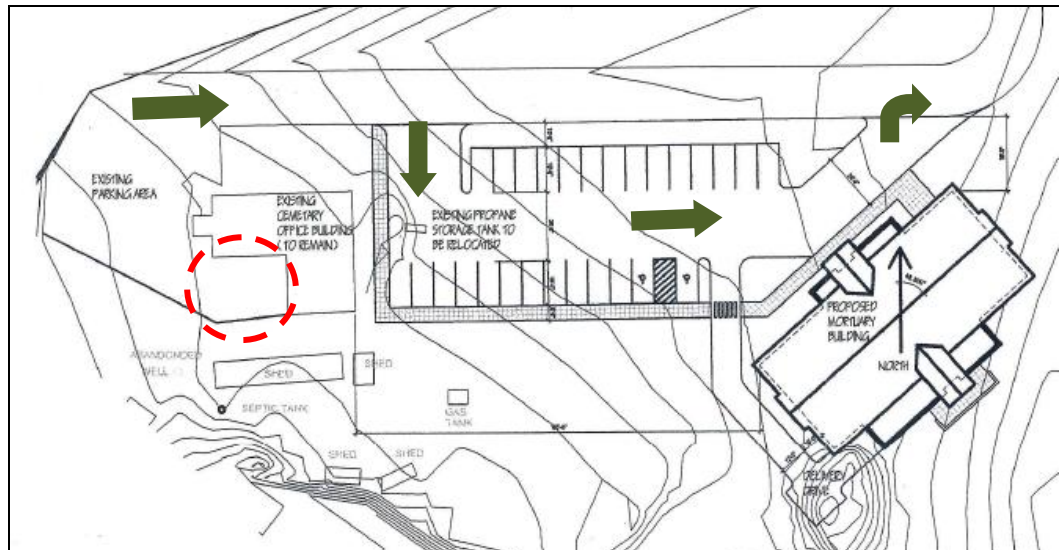
## **B. Appropriateness of design**

### **i. Parking scheme**

A total of twenty seven (27) parking spaces have been proposed by the applicant, including two (2) handicap parking spaces in accordance with the Americans with Disabilities Act (ADA). As stated in the application, the design of the parking area was intended to accommodate an average-size funeral service; parking for larger services could be accommodated along the internal circulation road serving the cemetery, as necessary. As shown in Figure 6 below, the proposed parking area is located between the existing cemetery office building and the proposed office/reception hall and crematorium, with circulation moving through and around the parking area for maximum efficiency. According to Section 6.04.050 of the Flathead County Zoning Regulations, one parking space is required for every 75 sq. ft. of assembly space for mortuaries (similar to the proposed use). The application and site plan state the assembly space within the proposed building will be a total of 2,000 sq. ft.; based upon this information and the parking requirements imposed, a total of 27 parking space would be required, which the applicant has provided for accordingly.



**Figure 6:** Proposed parking and circulation (applicant drawing).



The remaining 4,000 sq. ft. of the proposed building will be utilized as additional office space and as a crematorium. The Flathead County Zoning Regulations do not provide parking requirements for crematoriums, but do address office space and associated parking needs. According to Section 6.08.030 FCZR, offices require 1 parking space for every 400 sq. ft. of gross floor area or 1 parking space per employee. Correspondence from the applicant indicates there will be one full time employee working out of the proposed office/reception hall and crematorium building; two additional employees will continue to work from the existing office building. Upon visit to the site, there appeared to be a small parking area to the immediate west of the existing office building (shown circled in red in Figure 6 above). A total of three parking spaces for employees of the two buildings will be required to be made available onsite, and shall be located to the west of the existing office building or as an expansion of the proposed parking area shown above.

**Finding #4** – The proposed parking location and design is acceptable because adequate space is available onsite to accommodate both visitor and employee parking, and because the number of parking spaces shown on the site plan appears to comply with the applicable parking and loading requirements set forth in the zoning regulations.

**ii. Traffic circulation**

All vehicle traffic will enter and exit the site using the existing paved approach onto U.S. Highway 93 North. An internal, paved circulation road directs traffic counter-clockwise through the cemetery, looping back around to the entrance/exit providing a clear circulation route with minimal two-way traffic. Upon visit to the site, staff measured the paved width of the internal circulation road to be approximately 20 ft. wide, more than adequate to accommodate one-way traffic moving throughout the site. As shown by Figure 6 above, the

existing internal access road will guide traffic to the proposed reception hall/crematorium, where visitors may turn into the parking area to park, or travel through the parking area to access back onto the internal roadway without creating conflict in the traffic flow pattern onsite.

**Finding #5** – Traffic circulation throughout the subject property appears adequate to accommodate the proposed use because the existing, paved internal road would direct one-way traffic counter-clockwise throughout the site, providing access to and through the proposed parking area in a safe and effective manner.

**iii. Open space**

The subject property is currently utilized as a cemetery, and as such the majority of the property remains in open space. Approximately 20 of the 35 acres of land are set aside for future cemetery development, while the existing cemetery, office building and internal circulation roads comprise the remaining 15 acres of land. The proposed office/reception hall and crematorium, as well as associated parking, will comprise roughly 1 acre of land. It is anticipated approximately 34 of the 35 acres of property will remain in some form of open space, to serve the current and future development needs of the cemetery.

**Finding #6** – There is adequate open space associated with the project because the proposed development will only require 1 acre of land, and because the majority of the property will be utilized for the current and future development needs of the cemetery, remaining inherently open space.

**iv. Fencing/screening**

No fencing or screening has been proposed by the applicant as part of the conditional use permit request. No fencing or screening is currently utilized on the subject property, as there are no conflicting uses presently adjacent to the cemetery. Properties to the immediate north, east and southeast remain undeveloped, while the single family residence to the immediate south is shielded by natural vegetation and topography along the Stillwater River. Properties to the west are buffered by US Highway 93 North, and a small hill along the front of the cemetery property provides some visual relief and shielding for these adjacent lots. There are no fencing or shielding requirements set forth in the Flathead County Zoning Regulations applicable to properties zoned SAG-10 or their immediate neighbors.

**Finding #7** – No fencing or screening is required of the subject property because the proposed land use is generally compatible with the surrounding area, existing topography and vegetation provide a natural separation between adjacent lots, and because there are no requirements set forth by the Flathead County Zoning Regulations requiring such mitigation.

**v. Landscaping**

No landscaping is specifically required of the conditional use permit request, although there is some landscaping in place at the entrance to and throughout the cemetery area. The applicant has also stated that landscaping will be completed adjacent to the proposed building and parking area to enhance the overall visual appearance.

**Finding #8** – The proposed nature and location of landscaping on the subject property would be acceptable because there are no specific requirements applicable to the proposed use, and because the applicant has proposed an appropriate landscaping plan voluntarily.

**vi. Signage**

There are two existing signs located near the entrance to the subject property along US Highway 93 North; both bear the name “Glacier Memorial Gardens” on rock walls flanking the entrance. The existing signage appears to be grandfathered, similar to the cemetery use, under the applicable zoning regulations. No additional signage is proposed as part of the conditional use permit request; however, should any new signs be constructed in the future they will be required to comply with the applicable regulations, particularly Section 5.11.040(1) FCZR.

**Finding #9** – Signage associated with the proposed use would be acceptable because the existing signage appears to be grandfathered under the applicable zoning regulations; no additional signage has been proposed; and because any new signs constructed in the future would be required to comply with the applicable regulations.

**vii. Lighting**

Exterior lighting is proposed for the building and parking lot area, as well as the existing sign(s) located along US Highway 93 North. All exterior lighting associated with the building and parking area will be required to comply with Section 5.11 of the zoning regulations to prevent the unwanted or unwarranted intrusion of artificial lighting in or onto areas other than the subject property. Exterior lighting should be hooded, screened or directed in such a manner as not to impact adjacent properties. Lighting incorporated as part of the existing on-premise signage is required to remain continuous, stationary and directed solely at the sign or be internal to it, in compliance with Section 5.11.020 (9) of the zoning regulations.

**Finding #10** – Proposed lighting for the building, parking area and existing sign(s) would be acceptable because the applicant has stated all exterior lighting and illuminated signage will comply with the applicable zoning regulations.

### **C. Availability of Public Services and Facilities**

#### **i. Sewer**

The application states the proposed office/reception hall and crematorium will utilize a new onsite septic system. Comment received from the Flathead City-County Health Department indicates connection to public sewer utilities may be required, dependent on the final determination of the location of the City of Kalispell's sewer main within the US Highway 93 North right-of-way. Typically, when a subject property is located within 500 linear feet of public water and/or sewer utilities, connection to those utilities is required unless the cost to connect exceeds three times the cost of constructing an individual well and/or septic system onsite. The applicant will be required to undergo review and approval for the proposed use through the Department of Environmental Quality, at which time the requirement to connect to public utilities will be sufficiently addressed. It should be noted that if the subject property is required to connect to public utilities, they may also be required to annex into the City of Kalispell in order to access those services. Should the property undergo annexation in the future, as a result of this application or otherwise, it should be recognized all zoning, land use and construction activities would be under the City's jurisdiction.

#### **ii. Water**

The property is currently served by a private, individual well. The applicant has stated this well will continue to serve the proposed office/reception hall and crematorium. Depending on the final determination of the location of the City of Kalispell's utility mains within the US Highway 93 North right-of-way, the property may be required to connect to public water and/or sewer utilities, as described in Section IV.C(i) above.

**Finding #11** – The proposed use will have minimal impact on public services and facilities if the office/reception hall and crematorium remains within the County's jurisdiction and utilizes an existing well and individual septic system to handle wastewater onsite.

**Finding #12** – The proposed use may impact the provision of public services and facilities if the property's location in proximity to public water and sewer utilities requires connection to, and ultimately annexation into the City of Kalispell's planning jurisdiction; in which case the impacts related to use will be out of the County's control and/or authority.

#### **iii. Storm Water Drainage**

Stormwater drainage on the subject property is currently handled by directing run-off from impervious surfaces toward pervious areas of the property, to allow infiltration to occur onsite. Given the amount of acreage currently undeveloped, this onsite absorption technique appears adequate in handling the minimal amount of run-off created by the internal circulation roads and existing buildings. The application indicates that in certain instances runoff sheet-flows



toward the south end of the property and into the Stillwater River. Direct discharge to a surface water body is not permitted; however, stormwater run-off resulting from the existing impervious surfaces and proposed site construction travels between 250 and 450 linear feet across natural vegetation before reaching the Stillwater River. In this case run-off would not be directly discharged into a water body but would traverse a pervious surface prior to draining into the river, increasing the likelihood of on-site absorption.

**Finding #13** – Stormwater drainage has been adequately addressed because the subject property currently utilizes and will continue to rely on onsite absorption, the proposed building and associated parking will add minimal impervious surface area to the subject property, and because run-off created by the additional construction will not directly discharge into the Stillwater River.

**iv. Fire Protection**

The subject property is located within the West Valley Rural Fire District, with the closest fire station located approximately four miles west, near the corner of West Reserve Drive and Farm to Market Rd. Adequate access to the subject property and proposed office/reception hall and crematorium would be available using the paved internal circulation road and adjacent parking area. Although solicited, no comment was received from the West Valley Fire Department regarding the proposed use. It is anticipated the structure will require building permit review and approval through the Montana Department of Industry Building Codes Bureau, and will be required to meet adequate codes and standards related to fire safety and building construction as regulated by the state.

**v. Police Protection**

The subject property is currently served by the Flathead County Sheriff's Department. Relatively quick response times would be anticipated given the property's location next to a major highway and in close proximity to an urbanized area.

**vi. Streets**

As previously discussed, the subject property has direct access onto U.S. Highway 93 North via an existing paved approach. The highway has been designed and constructed to accommodate large amounts of vehicle traffic, and the existing access appears to have adequate site distances to safely accommodate traffic entering and exiting the subject property. The internal circulation road has been paved and designed to accommodate one-way traffic traveling counter-clockwise through the property. Given the amount of additional traffic anticipated as a result of the proposed use and the frequency at which those traffic conditions would occur, the existing road network appears capable of handling traffic generated by the proposed office/reception hall & crematorium.

**Finding #14** - Impacts to public services and facilities are anticipated to be minimal and acceptable because the subject property is in a relatively urban area of the county currently served by the West Valley Rural Fire District and the Flathead County Sheriff; because the proposed building will be required to undergo review and receive approval from the state Building Codes Bureau to ensure fire code compliance; and because the property has existing, direct access onto U.S. Highway 93 North, a state highway designed and constructed to handle high traffic volumes and that can adequately serve the traffic generated by the proposal.

**D. Immediate Neighborhood Impact**

**i. Excessive traffic generation**

The applicant has stated the amount of traffic visiting the cemetery is not anticipated to increase significantly as a result of the proposed office/reception hall and crematorium. While there may be higher traffic volumes at times, these fluctuations would likely correspond with the beginning and end of a funeral service and are not anticipated to be the norm. The 5<sup>th</sup> Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual provides traffic counts for cemeteries (land use #566), defined as “a place for burying the dead, possibly including buildings used for funeral services, a mausoleum, and a crematorium.” Traffic counts were measured per day per acre, and divided between weekday trips (4.16/ac), Saturday trips (4.28/ac) and Sunday trips (4.11/ac) for an average trip count of 4.17 trips per acre per day. Based upon these calculations, the ITE suggests an average trip count of 146 trips per day based upon full build-out utilizing the entire 35 acres of property. A more appropriate trip count may be to use the existing 15 acres of developed cemetery, for a total current count of 63 vehicle trips per day. Regardless, this traffic generation calculation does not differ significantly from what would be anticipated at present, given the overall use of the property is not changing and there is no additional trip generation figure to consider when adding a crematorium or reception hall to an existing cemetery.

**Finding #15** – Impacts to the neighborhood as a result of vehicle traffic generated by the proposed use are anticipated to be minimal because the number of trips resulting from the office/reception hall and crematorium would not be significantly more than what currently exists, and because the amount and timing of traffic directly generated by the proposed use will likely correspond with the timing of occasional funeral services.

**ii. Noise or vibration**

No excessive noise or vibration is anticipated as a result of the proposed office/reception hall and crematorium. Although the proposed use is intended to be able to accommodate larger gatherings and/or memorial services, it is unlikely these types of events will create excessive noise out of character with the surrounding area.

**iii. Dust, glare or heat**

The existing internal circulation roads and proposed parking area will be paved, reducing the amount of dust resulting from the proposed use. The majority of the property will remain in undeveloped open space, reducing the heat island effect from adding additional impervious surface and countering any anticipated glare from windows and reflective surface areas.

**iv. Smoke, fumes, gas, or odors**

The presence of a crematorium on the subject property could potentially result in smoke, fumes, gas or odors that may not be consistent with uses in the surrounding area or on neighboring properties. However, the applicant has stated that as long as the crematorium is operated correctly the potential for smoke, fumes or odors is greatly reduced. The application indicates the crematorium will operate two to three days a week during regular business hours so as to reduce potential impacts to neighboring property owners during times they may be around. Emission guidelines for human cremation equipment are established at the federal level, but compliance and permitting of these types of facilities is handled at the state and local level. To ensure minimal impacts relating to smoke, fumes or odors, and that the facility is operated correctly, the applicant would be required to obtain and comply with all applicable permits issued through the state Department of Environmental Quality.

**Finding #16** – Impacts resulting from the proposed use would be acceptable because the office/reception hall will not generate excessive noise or vibration inconsistent with the surrounding area; because impacts resulting from dust, glare, or heat will be mitigated by the paving of parking and circulation onsite as well as the amount of open space available; and because the potential for smoke, fumes or odors as a result of the crematorium can be reduced by ensuring the facility is constructed and operated correctly at all times, in accordance with appropriate permits issued through the state Department of Environmental Quality.

**v. Inappropriate hours of operation**

Correspondence with the applicant indicates typical hours of operation will be between 8:00 AM and 5:00 PM, Monday through Friday. As stated above, the crematorium is anticipated to operate two or three days a week during regular business hours proposed. It is anticipated some funeral services may be held on weekends, typically Saturdays. It would therefore be reasonable to assume operating hours for the facility will be between 8:00 AM and 5:00 PM, Monday through Saturday. These operating hours would not apply to private visitation of gravesites.

**Finding #17** – The proposed hours of operation between 8:00 AM and 5:00 PM Monday through Saturday are acceptable because they are limited in duration

while being able to accommodate the proposed use onsite; and because they will not apply to private visitation of gravesites within the cemetery proper.

## **V. SUMMARY OF FINDINGS**

1. The subject property is suitable for the proposed use because it is currently utilized as a cemetery and the proposed structure would be a continuation of that use; because there is adequate useable space to accommodate the proposed office/reception hall, crematorium and associated parking; and because the applicant has the ability to alter to existing tracts through boundary line adjustment, lot aggregation or by obtaining a Zoning Administrator determination to ensure the proposed use and associated structures comply with the bulk and dimensional requirements of the district.
2. The site appears to be suitable for the proposed use because the property has direct access onto U.S. Highway 93 via an existing, paved approach; the approach appears to have good site distances to allow traffic entering and exiting the property safe access; and because the existing approach may require re-review by MDT to ensure it can accommodate the additional traffic proposed safely and effectively.
3. The subject property appears suitable for the use proposed because the land to be developed is absent of environmental constraints such as steep topography, excess fuels, critical wildlife habitat, riparian areas, floodplain or designated wetland.
4. The proposed parking location and design is acceptable because adequate space is available onsite to accommodate both visitor and employee parking, and because the number of parking spaces shown on the site plan appears to comply with the applicable parking and loading requirements set forth in the zoning regulations.
5. Traffic circulation throughout the subject property appears adequate to accommodate the proposed use because the existing, paved internal road would direct one-way traffic counter-clockwise throughout the site, providing access to/through the proposed parking area in a safe and effective manner.
6. There is adequate open space associated with the project because the proposed development will only require 1 acre of land, and because the majority of the property will be utilized for the current and future development needs of the cemetery, remaining inherently open space.
7. No fencing or screening is required of the subject property because the proposed land use is generally compatible with the surrounding area, existing topography and vegetation provide a natural separation between adjacent lots, and because there are no requirements set forth by the Flathead County Zoning Regulations requiring such mitigation.
8. The proposed nature and location of landscaping on the subject property would be acceptable because there are no specific requirements applicable to the proposed use, and because the applicant has proposed an appropriate landscaping plan voluntarily.



9. Signage associated with the proposed use would be acceptable because the existing signage appears to be grandfathered under the applicable zoning regulations; no additional signage has been proposed; and because any new signs constructed in the future would be required to comply with the applicable regulations.
10. Proposed lighting for the building, parking area and existing sign(s) would be acceptable because the applicant has stated all exterior lighting and illuminated signage will comply with the applicable zoning regulations.
11. The proposed use will have minimal impact on public services and facilities if the office/reception hall and crematorium remains within the County's jurisdiction and utilizes an existing well and individual septic system to handle wastewater onsite.
12. The proposed use may impact the provision of public services and facilities if the property's location in proximity to public water and sewer utilities requires connection to, and ultimately annexation into the City of Kalispell's planning jurisdiction; in which case the impacts related to use will be out of the County's control and/or authority.
13. Stormwater drainage has been adequately addressed because the subject property currently utilizes and will continue to rely on onsite absorption, the proposed building and associated parking will add minimal impervious surface area to the subject property, and because run-off created by the additional construction will not directly discharge into the Stillwater River.
14. Impacts to public services and facilities are anticipated to be minimal and acceptable because the subject property is in a relatively urban area of the county currently served by the West Valley Rural Fire District and the Flathead County Sheriff; because the proposed building will be required to undergo review and receive approval from the state Building Codes Bureau to ensure fire code compliance; and because the property has existing, direct access onto U.S. Highway 93 North, a state highway designed and constructed to handle high traffic volumes and that can adequately serve the traffic generated by the proposal.
15. Impacts to the neighborhood as a result of vehicle traffic generated by the proposed use are anticipated to be minimal because the number of trips resulting from the office/reception hall and crematorium would not be significantly more than what currently exists, and because the amount and timing of traffic directly generated by the proposed use will likely correspond with the timing of occasional funeral services.
16. Impacts resulting from the proposed use would be acceptable because the office/reception hall will not generate excessive noise or vibration inconsistent with the surrounding area; because impacts resulting from dust, glare, or heat will be mitigated by the paving of parking and circulation onsite as well as the amount of open space available; and because the potential for smoke, fumes or odors as a result of the crematorium can be reduced by ensuring the facility is constructed and operated correctly at all times, in accordance with appropriate permits issued through the state Department of Environmental Quality.

17. The proposed hours of operation between 8:00 AM and 5:00 PM Monday through Saturday are acceptable because they are limited in duration while being able to accommodate the proposed use onsite; and because they will not apply to private visitation of gravesites within the cemetery proper.

## **VI. CONCLUSION**

Upon review of this application, the request for an office/reception hall and crematorium on the subject property is supported by the review criteria and 16 out of 17 Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-11-01 as findings of fact and approve the conditional use permit, the following 13 conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts have been met:

## **VII. CONDITIONS**

1. The location and operation of the proposed office/reception hall and crematorium on the subject property shall be in substantial conformance with the application and site plan submitted and approved by the Board of Adjustment [FCZR Section 2.06.010].
2. Changes or modifications to the approved use(s) and/or site plan shall not be affected unless specifically review and approved by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The applicant shall complete a boundary line adjustment or lot aggregation between Tracts 4E and 4G to ensure the proposed structure can comply with the applicable setback requirements of the zoning district; as an alternative, the applicant may request a determination by the Zoning Administrator to clearly identify which lot boundaries the setbacks shall be assessed from, in accordance with Section 3.03.020(5) FCZR.
4. The proposed office/reception hall and crematorium building shall conform with all applicable bulk and dimensional requirements of the “SAG-10 Suburban Agricultural” zoning in place, including but not limited to setbacks, building height and lot coverage [FCZR Section 3.16.040].
5. A minimum of 30 parking spaces shall be set aside on the subject property to accommodate employee and visitor traffic generated by the proposed office/reception hall and crematorium, in accordance with applicable zoning regulations [FCZR Section(s) 6.04.050 and 6.08.030].
6. All required parking and internal circulation roads associated with the proposed office/reception hall and crematorium shall meet the applicable design guidelines set forth in the Flathead County Zoning Regulations [FCZR Section(s) 6.15 and 6.16].
7. All existing and future signage on the subject property shall comply with the applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations; specifically, lighting of the existing signage along US Highway 93 North shall adhere to the standards set forth in Section 5.11.020(9) FCZR.
8. All exterior lighting on the subject property shall adhere to the performance standards set forth in the Flathead County Zoning Regulations [FCZR Section 5.12].

9. Hours of operation for the proposed office/reception hall and crematorium shall be from 8:00 AM to 5:00 PM, Monday through Saturday.
10. If required, the existing access onto US Highway 93 North shall undergo re-review by the Montana Department of Transportation to ensure the approach can safely accommodate the additional traffic generated by the proposed use. Documentation confirming the completion of this requirement, or confirming a re-review of the existing approach is not required, shall be made available upon request.
11. The proposed office/reception hall and crematorium shall undergo review and receive approval from the Department of Labor & Industry Building Codes Bureau, in the form of a building and occupancy permit, to ensure compliance with all applicable construction and fire codes. Documentation confirming the completion of this requirement shall be available upon request.
12. The proposed office/reception hall and crematorium shall undergo review and receive approval from the Montana Department of Environmental Quality and the Flathead City-County Health Department for use of the existing individual well and proposed onsite sewage treatment system for wastewater disposal prior to operation. Documentation confirming the completion of this requirement shall be available upon request.
13. The proposed crematorium shall obtain an operating permit, as applicable, from the Montana Department of Environmental Quality to ensure the building is constructed and operated in compliance with applicable emissions standards. Documentation confirming the completion of this requirement shall be available upon request.